

## **DETAILED ACTION**

This action is responsive to communications: RCE filed 2/4/2008, to the original application filed **5/2/2001**.

Claims 1-4, 6-38 pending. Claim 5 has been canceled by Applicant. Claims 1, 12, 20, 25, 31, 34 are independent claims.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**The claimed invention, as claimed in claims 25-33 is directed to non-statutory subject matter.**

**In regard to independent claims 25 and 31**, claim 25 and 31 recite "A content server...", and "A content processing system..." respectively. However, the claim language does not specify that the claimed invention includes hardware. As such, the language of the claim merely describes a computer program per se (a server, and a system can be interpreted as software). This raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a

practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

**In regard to dependent claims 26-30, 32-33,** said claims are rejected for fully incorporating the deficiencies of their respective base claims.

***Claim Rejections - 35 USC § 103***

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-26, 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional filing date of June 26, 2000.**

**In regard to independent claim 1,** Fields teaches a host Website accepting (retrieving) new content from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as necessary and displayed on a Web page (Fields column 2 lines 36-51; compare with claim 1 “*A method comprising:*”, and “*retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;*”)

Fields does not specifically retrieving content from a provider, determining whether each provider has new content to retrieve. However, Runge teaches an advertising system whereby at a predetermined date before a classified ad expires (a time interval), Runge e-mails an expiration/renewal notice to customer accounts (Runge paragraph [0059] (see also page 17 of Runge's provisional application). It is well established within classified advertising that ads typically change content (i.e. lowering home prices, etc.), therefore upon ad renewal, a receiver would only receive new (updated) content for filtering, and would not typically require sending in the exact same content if no new content is present, since the previous ad had previously been filtered. In addition, if content does change periodically, then Runge would periodically retrieve it. It is also well established that Runge would keep a file of accounts for renewal, new content, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Runge to Fields, providing Fields the benefit of predetermined renewal notices and receiving new content for reminding customers accordingly.

Fields teaches a host enacting a "filter policy" (i.e. a schema file) for a particular Web content provider's submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields's filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 "*verifying the format of the retrieved content...in a schema file*").

Fields teaches rejecting content if content portions do not match the specific policy for a provider's content format (i.e. if said policy dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 "*rejecting particular content if the particular content format is not valid.*"

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (e.g. ad banners, etc) (see Fields column 8 lines 45-55, also ad banner item 313 – Figure 4B). Fields does not specifically teach scheduling said content for publishing at a scheduled time. However, Matsumoto teaches arranging delivery of advertisements over the Internet, whereby an ad banner campaign is negotiated for a start and end period of time of published ads accordingly (Matsumoto Abstract, column 5 lines 12-22, 55-67, column 6 lines 1-8, especially column 7 lines 1-8, also Figure 3 item 23, and Figure 5 – "Campaigning Period" and "Copy and Layout of advertisement"). It is noted that the scheduled inputted start/end period of time can be reasonably interpreted as start/end time "attributes" associated with the ad, and that said ad is published between said scheduled start/end times, after which said ad is removed accordingly (compare the above with claim 1 "*scheduling the particular content....displayed by a Web server.*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Matsumoto to Fields, providing Fields the benefit of providing for publishing scheduled banner ad campaigns (e.g. to Fields's Figure 4B banner ad), pending agreement and policy approval, therefore facilitating sales.

Fields does not specifically teach a database for storing media content, was well as periodically searching said database. However, the claimed "database" would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content. In addition, since Matsumoto

teaches selling and scheduling of Internet advertisements (Matsomoto at least Abstract), it would have been obvious to one of ordinary skill in the art at the time of the invention to store pending updated advertisements in a repository (i.e. Fields's database), so that periodic searching for advertisements scheduled for various times can commence and applied to a daily or weekly advertising Web page (i.e. a periodic Web newsletter, CNN Web page, or Fields's Web page, etc.), providing Fields the benefit of increased organization of pending ads.

**In regard to dependent claims 3, 4,** Fields teaches automatically updating content on a Web page, which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54).

**In regard to dependent claims 6, 7, 8,** Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

**In regard to dependent claims 9, 10, 11,** claims 9-11 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also teaches a hard drive (Fields Figure 7 item 726).

**In regard to independent claim 12,** claim 12 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

**In regard to dependent claims 13, 14, 15,** claims 13, 14, 15 incorporate substantially similar subject matter as claimed in claims 8, and 1, and are rejected along the same rationale.

**In regard to dependent claims 16, 17, 18, 19,** claims 16, 17, 18, 19 incorporate substantially similar subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

**In regard to independent claim 20,** claim 20 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

**In regard to dependent claims 21, 22, 23, 24,** claims 21, 22, 23, 24 incorporate substantially similar subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

**In regard to independent claim 25,** claim 25 reflects the apparatus comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

**In regard to dependent claim 26,** Field teaches reformatting (re-editing) retrieved content (Fields column 8 lines 45-50).

**In regard to dependent claims 28, 30,** claims 28, 30 reflect the apparatus comprising computer executable instructions used in performing the methods as claimed in claims 1, 8 respectively, and are rejected along the same rationale.

**In regard to dependent claim 29,** Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

**In regard to independent claim 31,** claim 31 reflects the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

Fields does not specifically teach a database for storing content. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing the benefit of an orderly arrangement of searchable content.

**In regard to dependent claims 32, 33,** claims 32, 33 reflect the system comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

**In regard to independent claim 34,** claim 34 reflects the computer program product comprising computer executable instructions used in performing the methods as claimed in claim 1, and is rejected along the same rationale.

**In regard to dependent claims 35, 36, 37, 38,** claims 35, 36, 37, 38 reflect the computer program product comprising computer executable instructions used in performing the methods as claimed in claims 8, 6, 1, 1 respectively, and are rejected along the same rationale.

**Claims 2, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields, in view of Matsumoto and Runge, as applied to claims 1 and 25 above, and further in view of Bernardo et al. (hereinafter Bernardo), U.S. Patent No. 6,247,032 issued June 2001.**

**In regard to dependent claims 2, 27,** Fields does not specifically teach a test page, then a live Web page. However, Bernardo teaches an approval process, whereby a user approves content (offline). When said content is approved, then it is ultimately published (Bernardo Figure 3 items 20, 22, 30, 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Bernardo to Fields, providing Fields the benefit of offline testing, so as to flag objectionable and/or invalid content.

#### ***Response to Arguments***

Applicant's arguments filed via RCE on 2/4/2008 (1/30/2008) have been fully considered but they are not persuasive.

Applicant's arguments are substantially directed to the cited references allegedly not teaching the instant amended subject matter (periodically searching, etc.). The examiner respectfully disagrees. Matsumoto teaches periodic scheduling of advertising. Runge teaches periodically sending reminders at the end of ad contracts for a Web newsletter. Since typical ad campaigns do not begin right away, the ad(s) must be stored until used. Since newsletters, etc. are typically periodic by nature, it would have been at least obvious that a periodic search of the storage area (database) commence so that ads can be scheduled and applied accordingly.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571)272-4088. The examiner can normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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